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**OFFICIAL****FACSIMILE TRANSMISSION****DATE:** April 29, 2004**MATTER NUMBER:**

10109178 / ESSR:053US

RECIPIENT(S):	FAX NO.:	PHONE NO.:
Commissioner for Patents U.S. Patent Office	(703) 308-6916	

**FROM:** Mark B. Wilson**USER ID:** MW01999 **FLOOR:** 20**PHONE:** (512) 536-3035**FAX:** (512) 536-4598**RE:** U.S. Patent Application No. 09/972,396**NUMBER OF PAGES WITH COVER PAGE:** 8**Message:**

Attached please find an Application for Patent Term Adjustment for the above-referenced U.S. patent application.

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JULIE ERWIN AT (512) 536-3119 AS SOON AS POSSIBLE.**

<p align="center"><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> 37 C.F.R. § 1.8</p> <p>I certify that this correspondence is being transmitted to: Office of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 308-6916 on the date below:</p> <p>April 29, 2004 Date</p> <p><i>[Signature]</i> Mark B. Wilson</p>
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**OFFICIAL****PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:  
Gilles Massey  
Jean-Claude Dauguet

Serial No.: 09/972,396

Filed: October 5, 2001

For: METHOD FOR DETERMINING THE  
SUITABILITY OF A TRANSPARENT  
MOLDED POLYMER ARTICLE FOR  
COLORING WITHOUT DEFECTS AND  
RESULTING ARTICLE

Group Art Unit: 2873

Examiner: Scott J. Sugarman

Atty. Dkt. No.: ESSR:053US

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**OFFICIAL**

**APPLICATION FOR PATENT TERM ADJUSTMENT**

**UNDER 37 C.F.R. §§1.705(b)**

**VIA FACSIMILE NO. (703) 308-6916**

Sir:

Reconsideration of patent term adjustment is hereby requested under 37 C.F.R. §§1.705(b).

Applicants request an adjustment of patent term of 23 days, from 306 days to 329 days.

On January 29, 2002, Applicants mailed a Response to Notice to File Missing Parts. The return postcard (attached as Exhibit A) was date stamped as received by the U.S. Patent Office on February 20, 2002. This date of February 20, 2002 is twelve days in excess of the allotted three months in which to respond to the Notice to File Missing Parts, mailed November 8, 2001. Attached as Exhibit B is a copy of the Patent Application Information Retrieval (PAIR) system's calculations of Patent Term Adjustment. Applicants note that the PAIR entries indicating the U.S. Patent

Office's receipt of the Response to Notice to File Missing Parts are dated February 20, 2002. However, the "Applicant Delay" listed in the entry "Application is Now Complete" is 35 days. Applicants request this delay to be changed to 12 days. Applicants responded to the Notice to File Missing Parts well before the date of March 15, 2002 listed under this entry and request that this arbitrary delay of 23 days be removed.

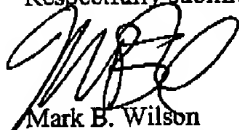
The U.S. Patent Office mailed an initial Office communication for the above-referenced U.S. patent application on November 6, 2003. As provided by 37 C.F.R. §§ 1.702(a), the patent term shall be adjusted if the issuance of the patent was delayed due to failure of the U.S. Patent Office to mail the initial Office communication not later than 14 months after the date on which the application was filed. As November 6, 2003 is past this fourteen month deadline, a delay on the part of the U.S. Patent Office of 336 days was correctly indicated in PAIR's calculations, as was the U.S. Patent Office delay of five days in mailing the Notice of Allowance.

Applicants respectfully request a patent term adjustment of 329 days in light of the above-mentioned issues.

In accordance with 37 C.F.R. §§ 1.18(e), the Commissioner is hereby authorized to deduct a fee of \$200.00 from Fulbright & Jaworski Deposit Account No.: 50-1212/ESSR:053US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Mark B. Wilson  
Reg. No. 37,259  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: April 29, 2004

# EXHIBIT A

## Please indicate receipt of the below-identified paper:

27

**Priority Date:**

☐ New Application For:

☐ Foreign priority already claimed

☐ Continuation ☐ CIP

☐ Specification: Pages

☐ Response to Office Action Dated:

☒ Other: Response to MPS; Decl.; FOA; Request for Ext of Time; copy of MPS notice; check for \$240.00; trans. ltr; postcard.

☐ Assignment Enclosed ☒ Cert. of Timely Mailing ☐ Exp. Mail:

## IDENTIFICATION OF APPLICATION

Serial No.: 09/972,396

Title: METHOD FOR DETERMINING THE SUITABILITY OF A TRANSPARENT MOLDED POLYMER ARTICLE FOR COLORING WITHOUT DEFECTS AND RESULTING ARTICLE

Applicant: Gilles Massey and Jean-Claude Dauguet

Client: Essilor

Mailed: 1/29/02

Filed:

Attorney: MBW

P&J File No.: 09/972,396

Due Date:

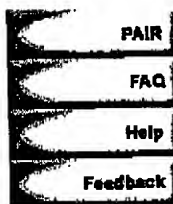
# EXHIBIT B



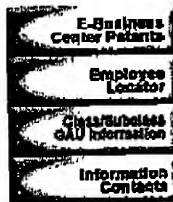
United States Patent and Trademark Office

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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links

Patent Term Adjustment (PTA) for publication number:  
09/972,396

		Days
Filing or 371(c) Date:	10-05-2001	USPTO Delay (PTO): 341
Issue Date of Patent:	-	Three Years: -
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL): 35
Post-Issue Petitions (days):	+0	Total PTA: 306
USPTO Adjustment (days):	+0	Explanation of Calculations

Select Search Option

File History

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Published Documents

## Patent Term Adjustment History

Number	Date	Contents Description	PTO (days)	APPL (days)
26	04-13-2004	Mail Notice of Allowance	5	
25	04-13-2004	Mail Formal Drawings Required	↑	
22	03-17-2004	Issue Revision Completed	↑	
21	03-09-2004	Claims PTO	↑	
20	03-08-2004	Formal Drawings Required	↑	
19	03-08-2004	Notice of Allowance Data Verification Completed	↑	
18	03-08-2004	Case Docketed to Examiner in GAU	↑	
17	03-08-2004	Notice of Allowability	↑	
16	12-22-2003	IFW Amended case processing Complete	↑	
15	12-22-2003	Date Forwarded to Examiner	↑	
14	12-08-2003	Response to Election / Restriction Filed	↑	
13	11-06-2003	Mail Restriction Requirement	336	
12	11-03-2003	Requirement for Restriction / Election	↑	
11	08-25-2003	IFW TSS Processing by Tech Center Complete	↑	
10	10-05-2001	Preliminary Amendment	↑	
9	05-29-2002	Case Docketed to Examiner in GAU	↑	
8	03-18-2002	Application Dispatched from OIPE	↑	
7	03-15-2002	Application Is Now Complete	↑	35
6	02-20-2002	Additional Application Filing Fees	↑	↑
5	02-20-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	↑	↑

PAIR Page

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4	11-08-2001	Notice Mailed--Application Incomplete-- Filing Date Assigned	↑	↑
3	11-08-2001	Correspondence Address Change	↑	
2	10-15-2001	IFW Scan & PACR Auto Security Review	↑	
1	10-05-2001	Initial Exam Team nn	↑	

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